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10/676,769	10/01/2003	Richard D. McGaughey	13133.20613	7891

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07/02/2008

EXAMINER

LIU, CHIA-YI

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3692

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/676,769	Applicant(s) MCGAUGHEY, RICHARD D.	
	Examiner CHIA-YI LIU	Art Unit 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-9, 11-42 are presented for examination. Applicant filed a response on 5/29/2008 canceling claim 10. After careful consideration of Applicant's argument, the rejection of claims 1-9, 11-42 are maintained as set forth in detail below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35, 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Zoffel et al. (5,274,547).

As per Claim 35,

Zoffel ('547) discloses,

a processor (central data processor), see column 23, lines 20-23.

a memory device operatively coupled to the processor, see column 23, lines 20-23. (To save data, it is inherent that there's a memory device coupled to the processor)

receive first collection information (credit information) from a first collection agency (repository), see Abstract of Zoffel, lines 2-8.

store data indicative of the first collection agency and the first collection information with a logical association between the data indicative of the first collection agency and the first collection information, see column 31, lines 2-5 of Zoffel. (Since an operator can designate the repository from which data will be retrieved, it is inherent that there's logical association between the data indicative of the first collection agency (repository) and the first collection information (data). Data must be stored in order to be retrieved. Repository = a facility where things can be deposited for storage)

receive second collection information from a second collection agency, see Abstract of Zoffel, lines 2-8. (repositories = more than one repository = there's a second repository)

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store data indicative of the second collection agency and the second collection information with a logical association between the data indicative of the second collection agency and the second collection information, see column 31, lines 2-5 of Zoffel. (Since an operator can designate the repository or repositories from which data will be retrieved, it is inherent that there's more than one repository and that there's logical association between the data indicative of the second collection agency (repository) and the second collection information (data). Data must be stored in order to be retrieved. Repository = a facility where things can be deposited for storage.)

generate a credit report, the credit report incorporating at least a portion of the first collection information, see column 4, lines 46-4 and column 31, lines 2-5. (Since an operator can designate the repository from which data will be retrieved, it is inherent that the credit report can incorporate first collection information.) and Application's own admitted disclosure in Background of invention (Page 1, line 29) "subscribers may access negative collection information." It is inherent that the credit report sent to the subscriber can incorporate negative information.)

As per Claim 39

Zoffel ('547) discloses,

receive first collection information (credit information) from a first collection agency (repository), see Abstract of Zoffel, lines 2-8.

store data indicative of the first collection agency and the first collection information with a logical association between the data indicative of the first collection agency and the first collection information, see column 31, lines 2-5 of Zoffel. (Since an operator can designate the repository from which data will be retrieved, it is inherent that there's logical association between the data indicative of the first collection agency (repository) and the first collection information (data). Data must be stored in order to be retrieved. Repository = a facility where things can be deposited for storage)

receive second collection information (credit information) from a second collection agency (repository), see Abstract of Zoffel, lines 2-8. (repositories = more than one repository = there's a second repository)

store data indicative of the second collection agency and the second collection information with a logical association between the data indicative of the second collection agency and the second collection information, see column 31, lines 2-5 of Zoffel. (Since an operator can designate the repository or repositories from which data will be retrieved, it is inherent that there's more than one repository and that there's logical association between the data indicative of the second

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collection agency (repository) and the second collection information (data). Data must be stored in order to be retrieved. Repository = a facility where things can be deposited for storage.)

generate a credit report, the credit report incorporating at least a portion of the first collection information, see column 4, lines 46-4 and column 31, lines 2-5. (Since an operator can designate the repository from which data will be retrieved, it is inherent that the credit report can incorporate first collection information.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11-12, 15, 20, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zoffel et al. (5,274,547) in view of Duhan (US 2001/0011245), and further in view of Shimizu et al. (US 2002/0111822)

As per Claim 1,

Zoffel ('547) discloses,

receiving first negative collection information (credit information) from a first collection agency (repository), see Abstract of Zoffel, lines 2-8. (It is inherent that credit information can include both positive and negative information and according to applicant's own admitted disclosure in the Background of Invention (page 1, lines 224-28), typically the collection agency reports "negative" credit information to a credit bureau and the credit bureau stores negative collection information collected from hundreds of collection agencies in a dataset.)

storing data indicative of the first collection agency (repository) and the first negative collection information with a logical association between the data indicative of the first collection agency and the first negative collection information, see column 31, lines 2-5 of Zoffel. (Since an operator can designate the repository from which data will be retrieved, it is inherent that there's logical association between the data indicative of the first collection agency (repository)

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and the first collection information (data). Data must be stored in order to be retrieved. Repository = a facility where things can be deposited for storage)

receiving second negative collection information (credit information) from a second collection agency, see Abstract of Zoffel, lines 2-8. (repositories = more than one repository = there's a second repository) (According to applicant's own admitted disclosure in the Background of Invention (page 1, lines 224-28), typically the collection agency reports "negative" credit information to a credit bureau and the credit bureau stores negative collection information collected from hundreds of collection agencies in a dataset.)

storing data indicative of the second collection agency (repository) and the second negative collection information with a logical association between the data indicative of the second collection agency and the second negative collection information, see column 31, lines 2-5 of Zoffel. (Since an operator can designate the repository or repositories from which data will be retrieved, it is inherent that there's more than one repository and that there's logical association between the data indicative of the second collection agency (repository) and the second collection information (data). Data must be stored in order to be retrieved. Repository = a facility where things can be deposited for storage.)

receiving a request for a credit report from the subscriber, see column 4, lines 46-47.

generating the credit report, the credit report incorporating at least a portion of the first negative collection information, see column 4, lines 46-4 and column 31, lines 2-5. (Since an operator can designate the repository from which data will be retrieved, it is inherent that the credit report can incorporate first collection information.) and Application's own admitted disclosure in Background of invention (Page 1, line 29) "subscribers may access negative collection information." It is inherent that the credit report sent to the subscriber can incorporate negative information.)

transmitting the credit report to the subscriber, see column 1, lines 20-22, 25-27 and column 4, lines 49-50. (Zoffel)

charging the subscriber a first fee, see column 1, lines 50-51. (Zoffel)

Zoffel does not specifically disclose receiving login information from a subscriber, authenticating the login information and paying the first agency a second fee.

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Duhan ('245) teaches receiving login information (log on/password) from a subscriber and authenticating the login information, see paragraph 0085, lines 6-8, 13-18.

Shimizu ('822) teaches paying the first agency (information provider) a second fee (compensation), see Fig 5, paragraph 0150, lines 4-6 and paragraph 0151, lines 4-5.

Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include receiving login information from a subscriber, authenticating the login information and paying the first agency a second fee

One of the ordinary skill in the art would be motivated to do so, for the benefit of increasing security and creating a profitable relationship between information provider and taker.

As per Claim 2,

Zoffel ('547) further discloses determining the credit report incorporates at least a portion of the first negative collection information, column 4, lines 46-4 and column 31, lines 2-5. (Since an operator can designate the repository from which data will be retrieved, it is inherent that what information to be include can be determined.) and Application's own admitted disclosure in Background of invention (Page 1, line 29) "subscribers may access negative collection information." It is inherent that the credit report sent to the subscriber can incorporate negative information.)

As per Claim 3,

Zoffel ('547) further discloses retrieving the logical association between the data indicative of the first collection agency and the first negative collection information, see column 31, lines 2-5 of Zoffel and Application's own admitted disclosure in Background of invention (Page 1, line 29) "subscribers may access negative collection information." It is inherent that the credit report sent to the subscriber can incorporate negative information.) (Since an operator can designate the repository from which data will be retrieved, it is inherent that there's logical association between the data indicative of the first collection agency (repository) and the first collection information (data).)

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As per Claim 4

Zoffel ('547) further discloses generating the credit report to incorporate at least a portion of the second negative collection information (credit information from the second repository), see column 31, lines 2-5.

As per Claim 5,

Zoffel ('547) does not specifically disclose paying the second agency a third fee.

Shimizu ('822) teaches paying the second agency (provider) a third fee, see paragraph 0150, lines 5-7 and paragraph 0151, lines 4-5. (First and second agency/provider are paid compensation fee based on how much information each of them contribute = second fee (paid to first agency) and third fee (paid to second agency) are not the same fee)

Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include paying the second agency a third fee.

One of the ordinary skill in the art would be motivated to do so, for the benefit of creating incentive to provide useful information.

As per Claim 6,

Zoffel ('547) does not specifically disclose the second fee is based on a level of negative collection information contribution from the first collection agency and the third fee is based on a level of negative collection information contribution from the second collection agency.

Shimizu ('822) teaches the fee is based on level of information contribution from the agency (provider), see Fig 5 and paragraph 0150, lines 4-6.

Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include the second fee is based on a level of negative collection information contribution from the first collection agency and the third fee is based on a level of negative collection information contribution from the second collection agency.

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One of the ordinary skill in the art would be motivated to do so, for the benefit of creating a profitable relationship between information provider and taker.

As per Claim 7

Zoffel ('547) further discloses the level of negative collection information contribution from the first collection agency is a function of the amount of negative collection information received from the first collection agency that is used in the credit report, see column 31, lines 2-5. (It is inherent that the level of contribution depends on amount of information used in credit report)

As per Claim 8,

Zoffel ('547) further discloses the level of negative collection information contribution (information merged or eliminated) from the first collection agency is a function of the type (type comparison: mortgage/credit line/collection) of negative collection information received from the first collection agency that is used in the credit report, see column 21, lines 66-68, column 22, lines 1-3, 29, and column 25, lines 30-49 and column 32, lines 6-12.

As per Claim 9,

Zoffel ('547) further discloses the level of negative collection information contribution from the first collection agency is a function of the amount of negative collection information received from the first collection agency over a predetermined period of time, see column 31, lines 2-5. (It is inherent that the level of contribution depends on amount of information used in credit report) and column 8, lines 48-52.

As per Claim 11,

Zoffel ('547) does not specifically disclose the sum of the second fee added to the third fee is less than the first fee.

Shimizu ('822) teaches the sum of the second fee added to the third fee (second fee + third fee = compensation) is less than the first fee (subscriber fee = beneficiary fee), see paragraph 0014, lines 4-6 and paragraph 0151, lines 4-5.

Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include the sum of the second fee added to the third fee is less than the first fee.

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One of the ordinary skill in the art would be motivated to do so, for the benefit of creating a profitable relationship between information provider and taker.

As per Claim 12

Zoffel ('547) does not specifically disclose the second fee comprises a portion of the first fee. Shimizu ('822) teaches the second fee (compensation) comprises a portion of the first fee (beneficiary fee), see paragraph 0151, lines 4-5. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include the sum of the second fee added to the third fee is less than the first fee. One of the ordinary skill in the art would be motivated to do so, for the benefit of creating a profitable relationship between information provider and taker.

As per Claim 15

Zoffel ('547) does not specifically disclose the first negative collection information is associated with a person and merging the first negative collection information with previously stored negative collection information associated with the person. Duhon ('245) teaches the collection information is associated with a person (consumer = a person) and merging collection information with previously stored information associated with the person (24 month trending), see Fig 3 and paragraph 0012, lines 3-8 and paragraph 0036, lines 10-13 and paragraph 0048, lines 5-13. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include the first negative collection information is associated with a person and merging the first negative collection information with previously stored negative collection information associated with the person. One of the ordinary skill in the art would be motivated to do so, for the benefit of enabling a more comprehensive credit analysis.

As per Claim 20

Zoffel ('547) further discloses

receive a request for the credit report from the subscriber, see column 4, lines 46-47.

transmit the credit report to the subscriber, see column 1, lines 20-22, 25-27 and column 4, lines 49-50.

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Zoffel ('547) does not specifically disclose receiving login information from a subscriber, authenticating the login information. Duhan ('245) teaches receiving login information (log on/password) from a subscriber and authenticating the login information, see paragraph 0085, lines 6-8, 13-18. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include receiving login information from a subscriber, and authenticating the login information. One of the ordinary skill in the art would be motivated to do so, for the benefit of increasing security.

As per Claim 24

Zoffel ('547) further discloses

receive a request for the credit report from the subscriber, see column 4, lines 46-47.

transmit the credit report to the subscriber, see column 1, lines 20-22, 25-27 and column 4, lines 49-50.

Zoffel ('547) does not specifically disclose receiving login information from a subscriber, authenticating the login information. Duhan ('245) teaches receiving login information (log on/password) from a subscriber and authenticating the login information, see paragraph 0085, lines 6-8, 13-18. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include receiving login information from a subscriber, and authenticating the login information. One of the ordinary skill in the art would be motivated to do so, for the benefit of increasing security.

Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zoffel et al. (5,274,547) in view of Duhan (US 2001/0011245), further in view of Shimizu et al. (US 2002/0111822) and further in view of Langseth et al. (US 6,694,316)

As per Claim 13

Zoffel ('547) does not specifically disclose the first fee is a periodic subscription fee.

Langseth (316') teaches subscriber paying periodic subscription fee, see column 8, lines 34-35. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include the first fee is a periodic subscription fee. One of the ordinary skill in the art would be motivated to do so, for the benefit of encouraging subscriber to pull up as many report as needed without needing to worry about additional fee.

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As per Claim 14

Zoffel ('547) does not specifically disclose the first fee is a transaction fee associated with generating the credit report. DeFrancesco ('403) teaches the first fee is a transaction fee associated with generating the credit report, see column 1, lines 24-26. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include the first fee is a transaction fee associated with generating the credit report. One of the ordinary skill in the art would be motivated to do so, for the benefit of generating fee to compensate credit providers.

Claims 16-18, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zoffel et al. (5,274,547) in view of Duhan (US 2001/0011245), further in view of Shimizu et al. (US 2002/0111822) and further in view of Hedy (US 2003/0041031)

As per Claims 16

Zoffel ('547) does not specifically disclose receiving the first negative collection information via the Internet. Hedy ('031) teaches receiving collection information (credit information) via the Internet, see Abstract of Hedy, lines 1-3. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include receiving the first negative collection information via the Internet. One of the ordinary skill in the art would be motivated to do so, for the benefit of increase the speed and efficiency of sharing information.

As per Claims 17

Zoffel ('547) does not specifically disclose receiving first negative collection information from a first collection agency does not include receiving the first negative collection information via any of a magnetic tape, a magnetic disk, and an optical disk. Hedy ('031) teaches receiving collection information (credit information) via the Internet, see Abstract of Hedy, lines 1-3. (Internet is not any of a magnetic tape, a magnetic disk, and an optical disk) Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include receiving first negative collection information from a first collection agency does not include receiving the first negative collection information via any of a magnetic tape, a magnetic disk, and an optical disk. One of the ordinary skill in the art would be motivated to do so, for the benefit of increase the speed and efficiency of sharing information.

As per Claims 18

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Zoffel ('547) further discloses receiving first negative collection information from a first collection includes receiving the first negative collection information via any of a magnetic tape, a magnetic disk, and an optical disk, see column 2, lines 5-7. (tape = a magnetically coated strip of plastic on which data can be written and stored for later retrieval)

As per Claim 26,

Zoffel ('547) does not specifically disclose instructions are further structured to cause the machine to receive the first negative collection information via the internet. Hedy ('031) teaches receiving collection information (credit information) via the Internet, see Abstract of Hedy, lines 1-3. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include receiving the first negative collection information via the Internet. One of the ordinary skill in the art would be motivated to do so, for the benefit of increase the speed and efficiency of data transmission.

Claims 19, 21, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zoffel et al. (5,274,547) in view of Shimizu et al. (US 2002/0111822)

As per Claim 19

Zoffel ('547) discloses,

a processor (central data processor), see column 23, lines 20-23.

a memory device operatively coupled to the processor, see column 23, lines 20-23.
(To save data, it is inherent that there's a memory device coupled to the processor)

receive first negative collection information (credit information) from a first collection agency, (repository), see Abstract of Zoffel, lines 2-8. (According to applicant's own admitted disclosure in the Background of Invention (page 1, lines 224-28), typically the collection agency reports "negative" credit information to a credit bureau and the credit bureau stores negative collection information collected from hundreds of collection agencies in a dataset.)

store data indicative of the first collection agency and the first negative collection information with a logical association between the data indicative of the first collection agency and the first negative collection information, see column 31,

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lines 2-5 of Zoffel. (Since an operator can designate the repository from which data will be retrieved, it is inherent that there's logical association between the data indicative of the first collection agency (repository) and the first collection information (data). Data must be stored in order to be retrieved. Repository = a facility where things can be deposited for storage)

receive second negative collection information (credit information) from a second collection agency, see Abstract of Zoffel, lines 2-8. (repositories = more than one repository = there's a second repository) (According to applicant's own admitted disclosure in the Background of Invention (page 1, lines 224-28), typically the collection agency reports "negative" credit information to a credit bureau and the credit bureau stores negative collection information collected from hundreds of collection agencies in a dataset.)

store data indicative of the second collection agency (repository) and the second negative collection information with a logical association between the data indicative of the second collection agency and the second negative collection information, see column 31, lines 2-5 of Zoffel. (Since an operator can designate the repository or repositories from which data will be retrieved, it is inherent that there's more than one repository and that there's logical association between the data indicative of the second collection agency (repository) and the second collection information (data). Data must be stored in order to be retrieved. Repository = a facility where things can be deposited for storage.)

generate a credit report, the credit report incorporating at least a portion of the first negative collection information, see column 4, lines 46-4 and column 31, lines 2-5. (Since an operator can designate the repository from which data will be retrieved, it is inherent that the credit report can incorporate first collection information.) and Application's own admitted disclosure in Background of invention (Page 1, line 29) "subscribers may access negative collection information." It is inherent that the credit report sent to the subscriber can incorporate negative information.)

charge a subscriber a first fee, see column 1, lines 50-51. (Zoffel)

Zoffel does not specifically disclose pay the first agency a second fee based on a level of contribution of negative collection information from the first collection agency. Shimizu ('822) teaches paying the first agency (information provider) a second fee (compensation) based on level of contribution of information, see Fig 5, paragraph 0150, lines 4-6 and paragraph 0151, lines 4-5. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include pay the first agency a second fee based on a level of contribution of negative collection information from the first collection agency. One of the

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ordinary skill in the art would be motivated to do so, for the benefit of creating incentive to provide useful information.

As per Claim 21

Zoffel ('547) further discloses the level of negative collection information contribution from the first collection agency is a function of the amount of negative collection information received from the first collection agency that is used in the credit report, see column 31, lines 2-5. (It is inherent that the level of contribution depends on amount of information used in credit report)

As per Claim 23

Zoffel ('547) discloses,

receive first negative collection information (credit information) from a first collection agency (repository), see Abstract of Zoffel, lines 2-8. (According to applicant's own admitted disclosure in the Background of Invention (page 1, lines 224-28), typically the collection agency reports "negative" credit information to a credit bureau and the credit bureau stores negative collection information collected from hundreds of collection agencies in a dataset.)

store data indicative of the first collection agency (repository) and the first negative collection information with a logical association between the data indicative of the first collection agency and the first negative collection information, see column 31, lines 2-5 of Zoffel. (Since an operator can designate the repository from which data will be retrieved, it is inherent that there's logical association between the data indicative of the first collection agency (repository) and the first collection information (data). Data must be stored in order to be retrieved. Repository = a facility where things can be deposited for storage)

receive second negative collection information (credit information) from a second collection agency (repository), see Abstract of Zoffel, lines 2-8. (repositories = more than one repository = there's a second repository) (According to applicant's own admitted disclosure in the Background of Invention (page 1, lines 224-28), typically the collection agency reports "negative" credit information to a credit bureau and the credit bureau stores negative collection information collected from hundreds of collection agencies in a dataset.)

store data indicative of the second collection agency (repository) and the second negative collection information with a logical association between the data indicative of the second collection agency and the second negative collection information, see column 31, lines 2-5 of Zoffel. (Since an operator can designate

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the repository or repositories from which data will be retrieved, it is inherent that there's more than one repository and that there's logical association between the data indicative of the second collection agency (repository) and the second collection information (data). Data must be stored in order to be retrieved. Repository = a facility where things can be deposited for storage.)

generate a credit report, the credit report incorporating at least a portion of the first negative collection information, see column 4, lines 46-4 and column 31, lines 2-5. and Application's own admitted disclosure in Background of invention (Page 1, line 29) "subscribers may access negative collection information." It is inherent that the credit report sent to the subscriber can incorporate negative information.)

charge a subscriber a first fee, see see column 1, lines 50-51. (Zoffel)

Zoffel does not specifically disclose pay the first agency a second fee based on a level of contribution of negative collection information from the first collection agency

Shimizu ('822) teaches paying the first agency (information provider) a second fee (compensation) based on level of contribution of information, see Fig 5, paragraph 0150, lines 4-6 and paragraph 0151, lines 4-5. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include pay the first agency a second fee based on a level of contribution of negative collection information from the first collection agency. One of the ordinary skill in the art would be motivated to do so, for the benefit of creating incentive to provide useful information.

As per Claim 25,

Zoffel ('547) further discloses the level of negative collection information contribution from the first collection agency is a function of the amount of negative collection information received from the first collection agency that is used in the credit report, see column 31, lines 2-5. (It is inherent that the level of contribution depends on amount of information used in credit report)

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zoffel et al. (5,274,547) in view of Shimizu et al. (US 2002/0111822), and further in view of Hedy (US 2003/0041031)

As per Claim 22

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Zoffel ('547) does not specifically disclose software program is structured to receive the first negative collection information via the Internet. Hedy ('031) teaches receiving collection information (credit information) via the Internet, see Abstract of Hedy, lines 1-3. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include receiving the first negative collection information via the Internet. One of the ordinary skill in the art would be motivated to do so, for the benefit of increase the speed and efficiency of data transmission.

Claims 27-34, 36-38, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zoffel et al. (5,274,547) in view of Duhan (US 2001/0011245), and further in view of Hedy (US 2003/0041031)

As per Claim 27,

Zoffel ('547) discloses,

receiving first collection information (credit information) from a first collection agency (repository), see Abstract of Zoffel, lines 2-8. (According to applicant's own admitted disclosure in the Background of Invention (page 1, lines 224-28), typically the collection agency reports "negative" credit information to a credit bureau and the credit bureau stores negative collection information collected from hundreds of collection agencies in a dataset.)

storing data indicative of the first collection agency (repository) and the first collection information with a logical association between the data indicative of the first collection agency and the first collection information, see column 31, lines 2-5 of Zoffel. (Since an operator can designate the repository from which data will be retrieved, it is inherent that there's logical association between the data indicative of the first collection agency (repository) and the first collection information (data). Data must be stored in order to be retrieved. Repository = a facility where things can be deposited for storage)

receiving second collection information (credit information) from a second collection agency (repository), see Abstract of Zoffel, lines 2-8. (repositories = more than one repository = there's a second repository) (According to applicant's own admitted disclosure in the Background of Invention (page 1, lines 224-28), typically the collection agency reports "negative" credit information to a credit bureau and the credit bureau stores negative collection information collected from hundreds of collection agencies in a dataset.)

storing data indicative of the second collection agency and the second collection information with a logical association between the data indicative of the second collection agency and the second collection information, see column 31, lines 2-5 of Zoffel. (Since an operator can designate the repository or repositories from

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which data will be retrieved, it is inherent that there's more than one repository and that there's logical association between the data indicative of the second collection agency (repository) and the second collection information (data). Data must be stored in order to be retrieved. Repository = a facility where things can be deposited for storage.)

receiving a request for a credit report from the subscriber, see column 4, lines 46-47.

the credit report incorporating at least a portion of the first collection information (data), see column 6, lines 54-58 and column 31, lines 2-5.

transmitting the credit report to the subscriber, see column 1, lines 20-22, 25-27 and column 4, lines 49-50. (Zoffel)

Zoffel does not specifically disclose receiving login information from a subscriber, authenticating the login information, and generating the credit report in real-time. Hedy ('031) teaches generating credit report in real-time, see paragraph 0001, lines 6-8 and paragraph 0003, lines 2-3. Duhan ('245) teaches receiving login information (log on/password) from a subscriber and authenticating the login information, see paragraph 0085, lines 6-8, 13-18. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include receiving login information from a subscriber, authenticating the login information, and generating the credit report in real-time. One of the ordinary skill in the art would be motivated to do so, for the benefit of increasing security and the speed of data transmission.

As per Claim 28

Zoffel ('547) further discloses the first and second collection information (credit information from depositories) includes negative collection information, see Abstract of Zoffel, lines 2-8 and (According to applicant's own admitted disclosure in the Background of Invention (page 1, lines 224-28), typically the collection agency reports "negative" credit information to a credit bureau and the credit bureau stores negative collection information collected from hundreds of collection agencies in a dataset.)

As per Claim 29

Zoffel ('547) further discloses retrieving the logical association between the data indicative of the first collection agency and the first negative collection information, see column 31, lines 2-5 of Zoffel and Application's own admitted disclosure in Background of invention (Page 1, line 29) "subscribers may access negative collection information." It is inherent that the credit report sent to the subscriber can

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incorporate negative information.) (Since an operator can designate the repository from which data will be retrieved, it is inherent that there's logical association between the data indicative of the first collection agency (repository) and the first collection information (data).)

As per Claim 30

Zoffel ('547) further discloses generating the credit report to incorporate at least a portion of the second negative collection information (credit information from the second repository), see column 31, lines 2-5.

As per Claim 31,

Zoffel ('547) does not specifically disclose the first negative collection information is associated with a person and merging the first negative collection information with previously stored negative collection information associated with the person.

Hedy ('031) teaches the first negative collection information is associated with a person (personal credit information), see paragraph 0001, lines 6-8.

Duhon ('245) teaches merging collection information with previously stored information associated with the person (24 month trending), see Fig 3 and paragraph 0012, lines 3-8 and paragraph 0036, lines 10-13 and paragraph 0048, lines 5-13.

Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include he first negative collection information is associated with a person and merging the first negative collection information with previously stored negative collection information associated with the person

One of the ordinary skill in the art would be motivated to do so, for the benefit of allowing more accurate credit analysis.

As per Claim 32,

Zoffel ('547) does not specifically disclose receiving the first negative collection information via the Internet. Hedy ('031) teaches receiving collection information (credit information) via the Internet, see Abstract of Hedy, lines 1-3. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include receiving the first negative collection information via the Internet. One of the ordinary skill in the art would be motivated to do so, for the benefit of increase the speed and efficiency of sharing information.

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As per Claim 33.

Zoffel ('547) does not specifically disclose receiving first negative collection information from a first collection agency does not include receiving the first negative collection information via any of a magnetic tape, a magnetic disk, and an optical disk. Hedy ('031) teaches receiving collection information (credit information) via the Internet, see Abstract of Hedy, lines 1-3. (Internet is not any of a magnetic tape, a magnetic disk, and an optical disk). Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include receiving first negative collection information from a first collection agency does not include receiving the first negative collection information via any of a magnetic tape, a magnetic disk, and an optical disk. One of the ordinary skill in the art would be motivated to do so, for the benefit of increase the speed and efficiency of sharing information.

As per Claim 34,

Zoffel ('547) further discloses receiving first negative collection information from a first collection includes receiving the first negative collection information via any of a magnetic tape, a magnetic disk, and an optical disk, see column 2, lines 5-7. (tape = a magnetically coated strip of plastic on which data can be written and stored for later retrieval)

As per Claim 36,

Zoffel ('547) further discloses

receive a request for the credit report from the subscriber, see column 4, lines 46-47.

transmit the credit report to the subscriber, see column 1, lines 20-22, 25-27 and column 4, lines 49-50.

Zoffel does not specifically disclose receiving login information from a subscriber and authenticating the login information and that the credit report is transmitted in real-time.

Duhan ('245) teaches receive login information (log on/password) from a subscriber and authenticate the login information, see paragraph 0085, lines 6-8, 13-18.

Hedy ('031) teaches transmit credit report in real-time, see paragraph 0001, lines 6-8 and paragraph 0003, lines 2-3.

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Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include receive login information from a subscriber, authenticate the login information and transmit credit report in real time.

One of the ordinary skill in the art would be motivated to do so, for the benefit of increasing security and the speed of data transmission.

As per Claim 37,

Zoffel ('547) further discloses the first and second collection information (credit information) is negative collection information received from the first and second collection agencies (credit repositories) that is used in the credit report, see Abstract of Zoffel, lines 2-7 and (According to applicant's own admitted disclosure in the Background of Invention (page 1, lines 224-28), typically the collection agency reports "negative" credit information to a credit bureau and the credit bureau stores negative collection information collected from hundreds of collection agencies in a dataset.)

As per Claim 38,

Zoffel ('547) does not specifically disclose software program is structured to receive the first and second negative collection information via the Internet. Hedy ('031) teaches receiving collection information (credit information) via the Internet, see Abstract of Hedy, lines 1-3. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include receiving the first and second negative collection information via the Internet. One of the ordinary skill in the art would be motivated to do so, for the benefit of increase the speed and efficiency of data transmission.

As per Claim 42

Zoffel ('547) does not specifically disclose instructions are further structured to cause the machine to receive the first negative collection information via the internet. Hedy ('031) teaches receiving collection information (credit information) via the Internet, see Abstract of Hedy, lines 1-3. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include instructions are further structured to cause the machine to receive the first negative collection information via the Internet. One of the ordinary skill in the art would be motivated to do so, for the benefit of increase the speed and efficiency of data transmission.

Claims 40, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zoffel et al. (5,274,547) in view of Duhan (US 2001/0011245)

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As per Claim 40

Zoffel ('547) further discloses receive a request for the credit report from the subscriber, see column 4, lines 46-47, and transmit the credit report to the subscriber, see column 1, lines 20-22, 25-27 and column 4, lines 49-50.

Zoffel does not specifically disclose receiving login information from a subscriber, authenticating the login information. Duhan ('245) teaches receiving login information (log on/password) from a subscriber and authenticating the login information, see paragraph 0085, lines 6-8, 13-18. Therefore it would have been obvious to one of ordinary skill in the art to modify Zoffel's invention to include receiving login information from a subscriber, and authenticating the login information. One of the ordinary skill in the art would be motivated to do so, for the benefit of increasing security.

As per Claim 41,

Zoffel ('547) further discloses the first and second collection information (credit information from depositories) includes negative collection information, see Abstract of Zoffel, lines 2-8 and (According to applicant's own admitted disclosure in the Background of Invention (page 1, lines 224-28), typically the collection agency reports "negative" credit information to a credit bureau and the credit bureau stores negative collection information collected from hundreds of collection agencies in a dataset.)

Response to Arguments

Applicant's arguments filed 5/29/2008 have been fully considered but they are not persuasive.

Regarding Claims 1, 19, 23, 27, 35, 39, Applicant argues that Zoffel ('547) only teaches retrieving data from a repository, but does not teach or suggest "storing data indicative of a second collection agency." The Examiner disagrees. Zoffel ('547) does teach storing data indicative of a second collection agency (requests credit information from one of the repositories, generates a credit report), See Abstract of Zoffel, lines 2-8. Repository is a facility where things can be deposited for storage. Since there are three credit repositories, it is inherent that there's a second collection agency that collects and stores data. Therefore, Zoffel discloses the claimed limitation.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIA-YI LIU whose telephone number is (571)270-1573. The examiner can normally be reached on Mon-Thur alternating Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susanna M. Diaz/
Primary Examiner, Art Unit 3692